

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

YENNA WU, Derivatively on Behalf of ) No. C-07-02268-HRL  
Nominal Defendant EXTREME NETWORKS, )  
INC., ) [PROPOSED] ORDER GRANTING  
Plaintiff, ) MOTION TO CONSOLIDATE ACTIONS  
vs. ) AND TO APPOINT FRANK A. GRUCEL,  
GORDON L. STITT, et al., ) JR. LEAD PLAINTIFF AND APPOINT  
Defendants, ) LERACH COUGHLIN STOIA GELLER  
– and – ) RUDMAN & ROBBINS LLP LEAD  
EXTREME NETWORKS, INC., ) COUNSEL  
Nominal Defendant. )

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1 LINDA ERIKSON, Derivatively on Behalf of ) No. C-07-02388-RS  
2 Nominal Defendant EXTREME NETWORKS, )  
3 INC., )  
4 Plaintiff, )  
5 vs. )  
6 GORDON L. STITT, et al., )  
7 Defendants, )  
8 – and – )  
9 EXTREME NETWORKS, INC., )  
10 Nominal Defendant. )  
11 FRANK A. GRUCEL, JR., Derivatively on ) No. C-07-02848-PVT  
12 Behalf of EXTREME NETWORKS, INC., )  
13 Plaintiff, )  
14 vs. )  
15 GORDON L. STITT, et al., )  
16 Defendants, )  
17 – and – )  
18 EXTREME NETWORKS, INC., a Delaware )  
19 corporation, )  
20 Nominal Defendant. )  
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1 Plaintiff's Motion to Consolidate and to Appoint Frank A. Grucel, Jr. Lead Plaintiff and  
2 Lerach Coughlin Stoia Geller Rudman & Robbins LLP Lead Counsel (the "Motion") came on for  
3 hearing in the ordinary course. Having considered the papers submitted in support of and in  
4 opposition to the Motion, the argument of counsel, if any, and for good cause shown, the Court  
5 ORDERS that the Motion is GRANTED as follows:

6 **I. CONSOLIDATION**

7 1. All shareholders' derivative actions on behalf of nominal party Extreme Networks,  
8 Inc. ("Extreme Networks" or the "Company") filed in the Northern District of California that involve  
9 questions of law or fact similar to those contained in the above-captioned actions are consolidated  
10 for all purposes under the following caption (the "Consolidated Action"):

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 In re EXTREME NETWORKS, INC.  
15 SHAREHOLDER DERIVATIVE  
16 LITIGATION

Master File No. 07-2268-HRL

17 This Document Relates To:  
18 ALL ACTIONS.

19 **II. PENDING, SUBSEQUENTLY FILED AND TRANSFERRED RELATED  
20 ACTIONS**

21 2. Each and every shareholder derivative action filed in, or transferred to, the Northern  
22 District of California that involves questions of law or fact similar to those contained in the  
23 Consolidated Action shall constitute a case related to the Consolidated Action ("Related Action" or  
24 the "Related Actions").

25 3. Each Related Action shall be governed by the terms of this Order and shall be  
26 consolidated for all purposes with the Consolidated Action. Upon the filing of a Related Action,  
27 defendants' counsel shall mail a copy of this Order to counsel for the plaintiff in each Related  
28 Action.

1       4. A party to any Related Action may, for good cause shown, move for relief from the  
2 terms of this Order only if such motion is filed with the Court and served upon Lead Counsel as set  
3 forth herein and upon counsel for defendants within 21 days of the mailing of this Order to counsel  
4 for such party. Any party herein may oppose such a motion.

5 **III. PREVIOUSLY FILED PAPERS**

6       5. All papers previously filed and served to date, if any, in the cases consolidated herein  
7 are deemed to be and are hereby adopted as part of the record in the Consolidated Action.

8 **IV. FILING OF THE ORDER**

9       6. This Order shall be filed in the file of C-07-02268-HRL and the entry of the Order  
10 shall be docketed in each of the consolidated actions. All papers filed by plaintiffs and defendants  
11 under the above-consolidated caption shall be filed only in action C-07-02268-HRL.

12 **V. APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL**

13       7. Plaintiff Frank A. Grucel Jr. shall be appointed Lead Plaintiff.

14       8. Lerach Coughlin Stoia Geller Rudman & Robbins LLP shall be appointed Lead  
15 Counsel.

16       9. Lead Counsel shall have the following responsibilities and duties:

17               (a) to brief and argue motions and file appropriate papers in response to  
18 proceedings initiated by other parties;

19               (b) to initiate and conduct discovery proceedings including, but not limited to, the  
20 preparation of discovery materials and discussions or negotiations with counsel for defendants;

21               (c) to direct and coordinate the examination of witnesses in depositions and oral  
22 interrogatories;

23               (d) to speak for plaintiffs at pre-trial conferences;

24               (e) to conduct settlement negotiations on behalf of plaintiffs;

25               (f) to delegate responsibilities for specific tasks to other plaintiffs' counsel in a  
26 manner to assure that pretrial preparation for plaintiffs is conducted effectively, efficiently and  
27 economically;

28               (g) to coordinate the use and retention of experts and consult with experts; and

1 (h) to perform such other duties as may be expressly authorized or required by  
2 further order of Court.

3 **VI. CONSOLIDATED COMPLAINT AND BRIEFING SCHEDULE**

4 10. Lead Plaintiff shall file and serve a Consolidated Complaint within 45 days after the  
5 date of the entry of this Order.

6 11. Defendants shall file and serve their Answer or other response to the Consolidated  
7 Complaint within 45 days after the date of the filing of the Consolidated Complaint.

8 12. Should defendants, or any of them, file a Motion to Dismiss the Consolidated  
9 Complaint, Lead Plaintiff shall file and serve his Opposition(s) to such motion(s) within 45 days  
10 after the date of the filing of defendant(s)' Motion(s) to Dismiss.

11 13. Defendants shall file and serve their Reply briefs within 30 days after date of the  
12 filing of Lead Plaintiff's Opposition(s) to the Motion(s) to Dismiss.

13 IT IS SO ORDERED.

14 DATED: \_\_\_\_\_

15 THE HONORABLE MAGISTRATE JUDGE  
HOWARD R. LLOYD

16 Submitted by:

17 DATED: June 8, 2007

18 LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
JOHN K. GRANT  
SHAWN A. WILLIAMS  
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12 [Proposed] Lead Counsel for Plaintiffs

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 8, 2007, I electronically filed the foregoing with the Clerk of the  
3 Court using the CM/ECF system which will send notification of such filing to the e-mail addresses  
4 denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the  
5 foregoing document or paper via the United States Postal Service to the non-CM/ECF participants  
6 indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct. Executed on June 8, 2007.

9 s/ Shawn A. Williams  
10 SHAWN A. WILLIAMS

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# Mailing Information for a Case 5:07-cv-02848-PVT

## Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Travis E. Downs , III**  
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- **Alan Roth Plutzik**  
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## Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

**Darren J. Robbins**

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